

March 2, 2004

Assistant Commissioner of Patents

Washington, DC 20231

**PROTEST UNDER 37 CFR 1.291(a)**

Re: Method and system for advertising

US File # **20010034643**

Filed: March 12, 2001

Sirs:

Recently I found the above referenced patent filing and believe this filing has NOT issued in the U.S. The US File # is **20010034643**

I am voicing an objection as a concerned third party and as a U.S. Citizen. The patent filing describes at great length an advertising delivery system dependent upon a databases maintained at the client level in a client-server ad delivery system. The appropriate ads are selected through profiling techniques at the server level then a database is created and downloaded (transmitted) via the internet (0016) to the "Game System" at the User's computer. Multiple ad databases may be downloaded and stored to correspond with an appropriate game. The Game System software can monitor play habits and display content (display advertising) based on voluntary user actions and related game triggers correlating with the appropriate ad database for that game. The ad databases are remotely controlled and updated or replenished frequently. (0021)

The abstract clearly states, "A method and system for displaying advertisements to a user is provided. In one embodiment, the advertisement system downloads a collection of advertisements from an advertising server to the user's computer. When the user executes a computer program at the user's computer, the advertisement system displays the downloaded advertisements to the user. Thus, the advertisements can be displayed to the user even when the user's computer is not connected to the Internet."

Relevant Claims are 1, 2, 4, 8, 9, 11 and numerous others that discuss downloading new content to the client and replacement of old content based upon a number of other voluntary user actions exemplified through game play. The system is described in (0016) (0019) (0021) and others.

This is referred to as "pull" advertising as a voluntary action on the part of a user interacts with a pre-established database and a targeted ad is displayed.

I am objecting to this patent filing as it is neither novel nor unique. It is of particular note that no prior art was submitted with this filing and only some vague references to server profiling systems. The filers are correct that a targeted system based on voluntary user movements client software interactions is more accurate and excels in its ability to deliver "relevant" ads at the exact moment of interest. However, the filers did not include the following references:

1. US Patent 6,141,010 ... similar technology
2. Gator.com (recently changed to Claria.com) has been marketing such a system since 1998 or 1999
3. WO9955066 (A1) or EP1076983 (A1) ... similar technology

There may be more prior art preceding the 3/12/2001 filing.

I believe the Examiner should look very closely at the Claims made and judge accordingly.

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### TELEPHONE CALL MANAGEMENT SOFTWARE AND INTERNET MARKETING METHOD

Bibliographic data	Description	Claims	INPADOC CLASS status
<b>Patent number:</b> CA2328913 <b>Publication date:</b> 1999-10-29 <b>Inventor:</b> ZETMEIR, KARL-D (US) <b>Applicant:</b> ZETMEIR, KARL-D (US) <b>Classification:</b> International: H04M3/00 European: H04M3/00			<b>Also published as:</b> WO9955066 (A1) EP1076983 (A1)
<b>Application number:</b> CA19992329613 (19990414) <b>Priority number(s):</b> US19980092041, 19990417, WO19980508102, 19990414			

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**Abstract of CA2328913**

A telephone call management computer program that provides both call management features and long distance savings for telephone consumers and marketing and advertising services for sponsor companies that wish to advertise to the consumer is disclosed. The call management program is initially stored on a host computer (12) and is then downloaded upon request to user computers (22) along with advertisement banners selected by the sponsor companies. When used, the program automatically front-loads a long distance carrier's PIC code in front of all long distance calls made from the user computers to permit consumers to automatically make long distance phone calls at discounted rates without memorizing numerous PIC codes and without continually shopping for the best long distance rate. The program also provides many enhanced telephone calling options and displays the banners and other advertising directly on the user computers (22) while the consumers use the program.



